

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 10, 2001

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Personnel Report** *(DiAnne Broussard)*

As of August 1, 2001 the Regional Board is recruiting for an Information Systems Technician for the Information Management Unit. We are reclassifying the Staff Services Analyst position to an Office Assistant/Office Technician to work in the file room. Recruitment for this position will begin later in August.

New Employee Hires:

We have no new employees coming to work for the Regional Board this month.

Employee Separations:

Cynthia Gorham-Test resigned from her Environmental Specialist III position in the Watershed Protection-Southern Region Unit to return to her home in Texas. Her last day was August 3, 2001.

Keri Cole is resigning from her position as Water Resources Control Engineer with the Pollutant Load Reduction Unit on August 15, 2001. She will be going to work for the City of Encinitas.

Casey Hunt, Water Resources Control Engineer in the Publicly Owned Treatment Works Compliance Unit, will be leaving at the end of the month to return to school to pursue a teaching credential.

2. **Student Intern Program** *(DiAnne Broussard)*

In FY 2001-02 we plan to allocate approximately \$261,759 for 13 student intern positions. The student intern positions are funded through the State Water Resources Control Board's contract with the Foundation for California Community Colleges (FCCC). Under this contract students currently enrolled in community colleges, colleges and universities work on a part time basis in the Regional Board office. The assistance provided to Regional Board staff by these students is invaluable. Some of these students eventually come to work for the State or Regional Water Boards following graduation.

3. **Visitors to the Office** *(DiAnne Broussard)*

During the month of July 2001, we received 163 visitors to the Regional Board office. A total of 1431 persons have visited the Regional Board office so far this year. The total number of visitors to the office reached 2,354 for the entire year in 2000.

4. New Regional Board Office *(Michael McCann)*

Relocation of staff to the new office facility is likely to occur sometime during the last week of September and the first week of October. The original target date of Sept. 1 was pushed back because of delays in the delivery of office furniture.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) and Other Wastewater Overflows *(Victor Vasquez, Adam Laputz, Casey Hunt, Chiara Clemente, David Hanson, Bryan Ott)*

In July 2001 there were 40 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 25 of these spills reached surface waters or storm drains. Of the total number of public spills, 18 were 1,000 gallons or more. A major SSO in the City of San Diego, which resulted in the closure of recreational waters, is discussed further below; there were three other recreational water closures due to sewer overflows in the region. An additional 13 sewage overflows from private property were also reported in July. Five of these reached surface waters or storm drains; none were 1,000 gallons or more. Regional Board staff has compiled sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled, "Sanitary Sewer Overflow Statistics." Regional Board staff will continue to update and provide this table with future reports.

The City of San Diego experienced a 450,000-gallon raw sewage spill in a canyon near Torreyana Road, which resulted in a raw sewage discharge to Penasquitos Canyon. The spill was discovered by the City on July 31, 2001 and reported to the Regional Board on the same day. The City estimated that the spill occurred for 50 hours before it was discovered. The cause of the spill was a root blockage in a 10-inch line that, according to City staff on the scene, had not been inspected or cleaned in over 10 years. Recreational waters adjacent to a section of Torrey Pines State Beach near the mouth of Penasquitos Lagoon were closed Tuesday, July 31 and reopened Friday, August 3. Regional Board staff participated in the field investigation on August 1 in an effort to determine the extent of the spill. Field observations and results of samples collected and analyzed by the City and the San Diego County Department of Environmental Health indicate that the City's initial volume and duration estimates may have overstated the extent of the spill.

There were no Notices of Violation issued in the month of July for sewage overflows; however, several Notices of Violation and/or Requests for Technical Information are pending issuance for significant sewage spills since June

2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji)*

TMDL Overview

In accordance with Section 303(d) of the Clean Water Act (CWA), the state must identify waterbodies that are not meeting water quality standards based on available pollution controls. The CWA also requires states to establish a priority ranking for waters on the

303(d) list of impaired waters and establish Total Maximum Daily Loads (TMDLs) for such waters.

A TMDL is an action plan for reducing and allocating the loads of a specific pollutant to an impaired water body. TMDLs are developed for the purpose of ensuring that water quality standards are achieved and beneficial uses restored. Specifically, a TMDL is (1) a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards and; (2) it is an allocation of that amount amongst all of the contributing point and non-point sources of the pollutants within a watershed (i.e., it is the sum of the allowable loads from all sources). TMDLs are both waterbody and pollutant specific. The TMDL process provides stringent water quality-based controls when technology based controls prove to be inadequate to achieve State water quality standards.

The first six tasks in the development phase of a TMDL, or the "technical portion", include a Problem Statement, Numeric Target, Source Analysis, Linkage Analysis, Load Allocations, and Margin of Safety. Other considerations include seasonal variations and critical conditions.

When the development phase is near completion, the Implementation Planning phase begins. The Implementation Plan describes best management practices, point source controls or other actions necessary to implement the TMDL. The Plan describes how and when necessary controls/ restoration actions will be accomplished, and who is responsible for implementation. Developing a Monitoring Strategy is also part of Implementation Planning. The Monitoring Strategy specifies the monitoring activities needed to assess the effectiveness of the TMDL and includes a schedule for reviewing and (if necessary) revising the TMDL and associated implementation elements. Stakeholder participation is an essential part of TMDL development and implementation.

The draft technical TMDL, Implementation Plan, Monitoring Strategy, and proposed Basin Plan Amendment are subject to independent scientific peer review. Upon responding to peer review comments and making appropriate revisions, the formal public review process will begin. This formal process will culminate in a formal public hearing in which the Regional Board will consider adoption of the Basin Plan Amendment. Incorporation of the regulatory provisions of the TMDL into the Basin Plan is the mechanism that makes the TMDL enforceable and ensures its implementation.

Upon adoption by the Regional Board, the TMDL is subject to approval by the SWRCB, the Office of Administrative Law (OAL) and USEPA. Only upon approval by USEPA is the TMDL effective. The Regional Board oversees implementation.

Additional TMDL information and guidance documents can be found on the World Wide Web. Some useful web sites are listed below. www.EPA.gov/OWOW/tmdl/decisions; [www.swrcb.ca.gov/rwqcb9/TMDL/tmdl.html;](http://www.swrcb.ca.gov/rwqcb9/TMDL/tmdl.html) [www.swrcb.ca.gov/quality.html.](http://www.swrcb.ca.gov/quality.html)

General Progress on TMDL Projects

Currently, there are seven TMDLs in progress. Two of the seven (Chollas Creek – Diazinon and Rainbow Creek – Nutrients) will be presented to the Regional Board for adoption consideration in this fiscal year. A draft TMDL for Chollas Creek-Diazinon has been submitted to the USEPA for review and comments and is also in the formal peer review process. A letter requesting to start the formal peer review process for the Rainbow Creek – TMDL has been submitted. Substantial State and Federal funding has been granted for identifying pathogenic sources for the Mission Bay-Coliform TMDL. Sample collection has begun for first phase of the Near Chollas Creek and Seventh Street Channel work plan.

Chollas Creek - Diazinon *(Linda Pardy and Joan Brackin)*

The draft technical TMDL was submitted on schedule to USEPA on April 28, 2000. The draft technical TMDL is now posted on the Regional Board web site.

Staff is responding to peer review comments, and will be incorporating the peer review comments and responses to comments into the technical TMDL. Staff is currently in the process of writing the Implementation and Monitoring Plan, and developing the draft Basin Plan amendment language.

Rainbow Creek - Nutrients *(Lisa Brown and Kyle Olewnik)*

The technical portions of the TMDL were submitted for review to the Technical Advisory Committee, SWRCB staff, and internal staff on June 25, 2001. Comments were received from internal staff and the County of San Diego. Appropriate revisions reflecting the comments have been incorporated into the draft. Staff prepared written responses to the County of San Diego comments. Additionally, staff met with County staff on July 31, 2001 to discuss their comments.

The formal letter requesting scientific peer review of the TMDL was submitted to SWRCB staff on August 1, 2001. The SWRCB's role is to coordinate with contract universities to identify the committee of scientific experts that will conduct the peer review. Once established, staff will submit the technical portions of the TMDL, the Implementation Plan, the Monitoring Plan, and the draft Basin Plan amendment to the committee for scientific peer review. Submittal to the committee is expected in mid August. The same TMDL components will also be submitted to USEPA for informal review.

Chollas Creek - Metals *(Kyle Olewnik and Lisa Brown)*

The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review, and these draft documents are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments on these drafts.

The drafts of the Load Allocations, Linkage Analysis, and Margin of Safety are complete and have been reviewed by Regional Board staff. However, these drafts are under

revision since new data were collected in Chollas Creek after the original drafts were completed, and the data may alter load allocations and source estimates. These revisions will be made as soon as possible so that the drafts can be forwarded to USEPA for review. However, the draft revisions are on hold while staff responsible for this TMDL first focus attention on completing the Rainbow Creek TMDL. The drafts should be revised by November 2001.

Shelter Island Yacht Basin - Dissolved Copper *(Lesley Dobalian and Christina Arias)*

The draft technical TMDL is undergoing minor internal revisions. It should be ready for submission to USEPA at the beginning of September. Drafts of the technical TMDL are posted on the Regional Board web site. Work continues on the Implementation portion of the TMDL.

San Diego Bay – Near Chollas Creek *(Alan Monji and Tom Alo)*

Work has begun on the draft Problem Statement and Numeric Targets for Near Chollas Creek TMDL. Currently, background information and site assessment reports for San Diego bay are under review.

Rough draft versions of the Problem Statement and Numeric Targets have been submitted to selected in-house TMDL Regional Board staff for review and comment.

At a meeting held on June 5, 2001 with representatives from U.S. Navy, Port of San Diego, City of San Diego, Southern California Coastal Waters Research Project (SCCWRP), and the Regional Board staff, consensus was reached on the final draft work plan for the mouth of Chollas Creek and Seventh Street channel. The work plan was presented to the public at the Sediment Quality Workshop on August 3, 2001.

Sampling activities for the mouth and channel of Chollas Creek occurred on July 17-18, 2001. Sediment samples were collected for toxicity testing, bioaccumulation testing, sediment chemistry, and benthic community studies.

San Diego Bay – Seventh Street Channel *(Tom Alo and Alan Monji)*

Work has begun on the draft Problem Statement and Numeric Targets for Seventh Street Channel TMDL. Currently, background information and site assessment reports for San Diego bay are under review.

Rough draft versions of the Problem Statement and Numeric Targets have been submitted to selected in-house TMDL Regional Board staff for review and comment.

At a meeting held on June 5, 2001 with representatives from U.S. Navy, Port of San Diego, City of San Diego, SCCWRP, and the Regional Board, consensus was reached on the final draft work plan for the mouth of Chollas Creek and Seventh Street channel. The work plan was presented to the public at the Sediment Quality Workshop on August 3, 2001.

Sampling activities for the Seventh Street Channel/Paletta Creek hotspot area is expected to start in late August 2001.

Mission Bay – Coliform (*Joan Brackin and Linda Pardy*)

Work is continuing on the draft Problem Statement and Numeric Target for the Mission Bay coliform TMDL.

Considerable attention has been given to the source identification element of the Mission Bay TMDL. Analysis of the last seven years of bacterial monitoring data was performed in cooperation with MEC Analytical Systems, data from the County of San Diego US Department of Environmental Health on the posting and closing of Mission Bay beaches was compiled and identification of the seven most contaminated areas of Mission Bay was determined. In addition, numerous meetings were held with Regional Board staff, with the City of San Diego, and with the State Water Resource Control Board regarding sources of funding for the Mission Bay TMDL.

The Regional Board passed Resolution No. 2001-094 on May 9, 2001 requesting \$975,290 from the State Water Resource Control Board's Cleanup and Abatement Account (CAA) Fund. The State Board passed Resolution No. 2001-082 on July 19th, 2001, awarding the full amount of \$975,290 to the SDWQCB. This money will be used to perform studies in Mission Bay to assess the impact of human pathogenic viruses in the water and to determine the impact of human vs. non-human sources of bacteria. The Southern California Coastal Waters Research Project will be the benefactor of this money and will serve as principal project leader for the studies.

A total of \$4,462,790 in funding has been awarded for, or committed to, the development of the coliform TMDL for Mission Bay. These funding sources are the SWRCB Cleanup and Abatement Account Fund, the Clean Beach Initiative Fund, the United States Environmental Protection Agency and a Supplemental Environmental Project. The specific funding amounts are as follows:

The Regional Board received \$125,000 from the USEPA to support the TMDL development efforts on Mission Bay.

The State Water Resource Control Board has announced that the City of San Diego is to receive \$3,000,000 from the Governor's Clean Beach Initiative Fund. The Clean Beach Initiative grant money will be used to fund four proposals: 1. A dry weather source investigation to examine the sanitary sewer and stormdrain/interceptor system surrounding Mission Bay; 2. A DNA ribotyping investigation to delineate human vs. non-human inputs of bacteria to Mission Bay; 3. Development of a contaminant dispersion model to understand contaminant migration and to assist in tracking sources of contamination; and, 4. Construction of wetlands in Rose Creek and Tecolote Creek.

The receipt of the CAA funds and the Clean Beach Initiative funds provides \$2,275,290 in funding to support the Mission Bay TMDL source investigation. This amount is the

sum of the CAA money and the first three project proposals of the Clean Beach Initiative Fund.

In addition, a Supplemental Environmental Project for a watershed bacterial source investigation study that was approved as part of the Administrative Civil Liability for the Alvarado Canyon sewage spill was initiated on July 1st, 2001. This project provides an additional \$362,500 in funding to support the Mission Bay TMDL.

3. Clean Water Act Section 401 Water Quality Certification Actions in July 2001 (Stacey Baczkowski)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
7/3/01	City Of San Diego, Engineering and Capital Projects Department	City Of San Diego Camino Ruiz North Roadway Project	Construction of a portion of the Camino Ruiz Roadway project at the Camino Ruiz and Carmel Mountain Road intersection	Conditional
7/30/01	Goodwin St., L.L.C.	Goodwin Drive Residential Development Project	Construction of 7 single family residences & assoc. roadways & utilities on 4.7 acres in Vista, CA. Also includes widening Goodwin Dr. & existing box culvert.	Conditional
7/3/01	B.F. Goodrich Aerospace Aerostructures Group	Stormwater Conveyance System Cleanout and Wier Installation	Removing existing sediment in the storm water conveyance system & installation of an outfall wier in the downgradient portion of the SWCS near outfall # 1.	Standard
7/25/01	Transportation Corridor Agencies	South Orange County Transportation Infrastructure Improvement Project- Geotechnical Investigation Program	Perform a geotechnical investigation within the Marine Corps Base Camp Pendleton for the proposed South Orange County Transportation Infrastructure Improvement Project.	Application Withdrawn
7/6/01	Hidden Meadows	Hidden Meadows Road Extension	Extension of Hidden Meadows Road from an existing spur off Mountain Meadow Road due east, then northeast to connect to Hidden Glen Way via the proposed Granite Ridge Road.	Application Withdrawn
7/6/01	Hidden Meadows, LLC	Hidden Meadows Oak Woodlands and Island Residential	Construction of 72 residential units with associated infrastructure at Oak Woodlands and 131	Application Withdrawn

			residential units at Islands Residential.	
7/11/01	City Of La Mesa	University Channel/ Massachusetts Ave and Boulevard Drive: Minor Earthen Bank Restoration	Restoring 1400 square feet of eroding banks using riprap.	Standard
7/12/01	Live Oak Plaza, LLC	Live Oak Plaza	6 acres of commercial and 7 acres of homes	Application Withdrawn
7/11/01	Encinitas Country Day School	Encinitas Country Day School	Development of a school site near San Elijo Lagoon	Conditional

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Border Program Activities (Claudia Villacorta)

Agreements Signed

On March 21, 2001, Secretary Winston H. Hickox met with Mr. Victor Lichtinger, the Mexican Secretary of Environment and Natural Resources, to discuss environmental issues between California and Mexico. As a result of their meeting, they finalized two Agreements of Cooperation and one Joint Declaration that were signed during the Presidential visit of Vicente Fox.

- The first agreement, entitled, "Agreement of Cooperation for a Pilot-Scale Vehicle Emissions Inspection Program for the City of Tijuana", is part of a two-year comprehensive air emissions control program for the Tijuana area. This agreement will create an Inspection and Maintenance Program that includes the establishment of a smog check station, the granting of used smog check equipment, and the implementation of a training program for the City of Tijuana. The equipment will be donated and the training provided by the California Department of Consumer Affairs, Bureau of Automotive Repairs.
- The second agreement is an agreement of cooperation for industrial wastewater monitoring and for technical assistance to implement a pretreatment program. This agreement will implement a three-year effort to coordinate the monitoring, pretreatment, and discharge of industrial wastewaters and will also provide related training to the northern Baja California cities of Mexicali, Tecate, and Tijuana.
- The third agreement is a joint declaration to implement joint activities for the conservation and sustainable development of the Sea of Cortez (otherwise known as the Gulf of California). The agreement provides the mechanism for increased coordination of educational programs, voluntary participation from communities and social organizations interested in economic sustainable alternatives, as well as research on the physical, hydrological and biological conditions of the region.

Secretary Hickox's meeting with Victor Lichtinger resulted in products that establish a collaborative effort to remedy environmental pollution problems in the California - Baja California border region. The California Environmental Protection Agency will act as the lead and coordinator in carrying out the two agreements and joint declaration. Copies of the agreements are attached (B-4).

Resolution

During the June Regional Board meeting, staff presented a resolution requesting \$697,000 to assist the State of Baja California with the implementation of industrial waste pretreatment programs in the cities of Tijuana and Tecate. The Regional Board unanimously approved the request with the condition that the State of Baja California provide additional information regarding the results of the industrial waste monitoring and pretreatment work in Tijuana and Mexico's pretreatment authority and standards.

The following information along with a signed copy of Resolution 2001-177 was forwarded to the SWRCB:

- A report with the results of the pretreatment work performed in Tijuana. This report includes a summary of the industrial waste monitoring data (January 1999-March 2000), number of inspections performed, number of violations, number and type of industries closed, equipment obtained, and number and type of training classes received (in Spanish only).
- Mexico's legal framework regarding pretreatment (in Spanish only).
- Official Mexican Norm 001 which establishes the maximum allowable pollutant limits for discharges to surface water bodies (in Spanish and English).
- Official Mexican Norm 002 that establishes the maximum allowable pollutant limits for discharges to the sewer collection system (in Spanish and English).

Copies of the Official Mexican Norms (Items #3 and #4) are attached (B-4). Items #1 and #2 are currently being translated and should be available in one week.

5. Summary of the Orange County Draft Municipal Storm Water Permit (Tentative Order 2001-193) Workshop I (Dave Gibson)

The first of two public workshops on the draft Orange County Municipal Storm Water Permit (Tentative Order 2001-193) was held on July 19, 2001. The workshop was held in the City of Mission Viejo City Council Chambers and was attended by 54 people. All of the permittees were represented (32 attendees) at the workshop. The County of Orange Public Facilities & Resources Department submitted a formal written comment in addition to their workshop questions. In all, 100 questions and comments were received at the workshop, of which 56 were answered during the workshop. Most of the remaining unanswered questions and comments were similar to those answered at the workshop and will be addressed at the second workshop scheduled for August 8th, 9:00 am, at the City of Laguna Niguel Council Chambers, 27801 La Paz Road. The workshop participants voted to spend more time during the second workshop on the Existing Development (section F.3), Receiving Water Limitations (section C), Land-Use Planning for New

Development and Redevelopment (section F.1), and the Findings and Prohibitions (sections A and B) of the tentative order. All comments and questions received will be part of the record and will be answered in the written response to comments prior to the adoption of the tentative order.

6. Santa Ana Regional Board's Orange County Stormwater Permit (*Michael McCann*)

Attachment B-6 is a copy of a newspaper article from the LA Times dated August 6, 2001. The article's title is "State Wades into O.C. Runoff Flap".

7. San Diego Baykeeper/Surfrider Foundation vs. City of San Diego (*Rebecca Stewart*)

On March 30, 2001, San Diego Baykeeper and the Surfrider Foundation filed suit against the City of San Diego in U.S. District Court for violations of the Clean Water Act from the discharge of nearly 40 million gallons of raw sewage to San Diego Bay, Point Loma, Ocean Beach, Mission Bay, Pacific Beach, La Jolla, and Torrey Pines over the last five years. The Complaint notes the City's failure to:

- Rebuild an antiquated sewer collection system;
- Maintain the existing collection system;
- Adequately monitor sewage flows in the system;
- Divert dry-weather flows of urban runoff from known problem areas;
- Implement BMPs to reduce pollutants in urban runoff; and
- Identify and control illegal sewage discharged by third parties into the storm drain system.

A representative of the Surfrider Foundation inquired of John Robertus if he would support an effort to have the Regional Board join in the lawsuit. This request was evaluated and considered to be not in the best interest of the Regional Board since the Board already has viable and sufficient enforcement capability under the California Water Code to appropriately regulate sewage related discharges by the City of San Diego. The majority of sewage recently spilled by the City of San Diego has resulted in fines of over five million dollars and the City has also responded with several initiatives to reduce sewage spills and improve their management of the collection and conveyance system. Attachment B-7 is a copy of the Complaint for your review.

8. City of San Diego Supplemental Environmental Project (SEP) Status Report (*Rebecca Stewart*)

On June 13, 2001, the Regional Board passed a motion to establish the penalty amount of \$1,589,000 for the administrative civil liability against the City of San Diego for the 1.5 million-gallon sewage spill to Mission Bay in February 2001. The Regional Board provided the City an opportunity to submit proposals for SEPs to offset a portion of the monetary penalty.

On July 23, 2001, the City submitted four SEPs for consideration by the Regional Board. However, on July 31, 2001 the City notified the Regional Board that two of the submitted projects, the Mission Bay Source Identification Survey and the Mission Bay Dry Weather

Bacterial Source Testing, were funded by the Governor's Clean Beach Initiative and requested that these projects be removed from consideration from the SEP list. On August 9, 2001 the City submitted an additional SEP for Regional Board consideration. As a result, three projects, the Mission Bay Epidemiology Study, the Rose and Tecolote Creek Water Quality Improvements, and the Mission Bay Contamination Dispersion Investigations and Models are currently under review by staff. The Regional Board subcommittee of Board Members Ghio and Stephany will be provided information regarding the three projects, along with staff's ranking, in order to make their recommendation to the full Board at the September 14 meeting.

9. Storm Water Complaint Against City of Mission Viejo (*Jeremy Haas*)

At the July 18, 2001 Board Meeting, the Board heard a report from a citizen alleging a poor response from the City of Mission Viejo to an illicit storm drain discharge. The incident involved discharges from a residential pool by a commercial pool maintenance company. Staff has discussed the incident with both the City and the complainant. Staff found that the City responded according to their procedures for responding to complaints. The procedure is based upon an enforcement agreement with Orange County who provides enforcement services for water pollution incidents. Typically, the City acts as initial responder to complaints and determines whether evidence warrants further investigation by the County. In this case, the City arrived on site after the alleged discharge occurred. The City code enforcement officers then contacted the County and were told that based on the information provided, the situation did not warrant further investigative action. Both the pool contractor and resident were subsequently sent educational letters. Staff has sent a letter to the City suggesting that their incident response procedures be reviewed to determine whether they are adequate to ensure compliance with the storm water management programs, ordinances, and implementation plans (attachment B-9).

10. Comprehensive Plan for Well Protection from MTBE Impacts in the Temecula Valley (*Barry Pulver*)

The Tank Site Mitigation and Cleanup Unit (TSMC) of the Regional Board continues to work closely with the Riverside County Department of Environmental Health (RDEH), the Rancho California Water District (RCWD), and responsible parties to coordinate and expedite cleanups at underground storage tank (UST) release sites in the Temecula Valley area. The TSMC staff has taken an aggressive, "zero-tolerance" approach to compel Responsible Parties (RP) to complete assessment and mitigation activities on an expedited basis. This approach includes frequent contacts with RPs and consultants to review work, request additional work, approve workplans, and take enforcement actions as needed. Recent enforcement actions have included issuing a 13267 letter to Chevron Petroleum Products to conduct a soil and groundwater investigation, and preparing an Administrative Civil Liability complaint against the owners of the Former Delta Discount Gas Station for failure to submit a site assessment report.

Communication has been established between the Regional Board and the City of Temecula. On August 3, 2001, a letter was sent by the Executive Officer to Mr. Grant

Yates, Assistant City Manager of the City of Temecula, summarizing the existing and potential risk to the water supply from releases of MTBE, and the Regional Board's approach to address the problem. A copy of this letter is attached. On August 16, 2001, the Executive Officer and staff, along with representatives of the RCWD and RDEH, will meet with Mr. Yates to provide the city with more detailed information on MTBE issues in the Temecula Valley. We intend to request that the city establish new land use ordinances to protect the existing beneficial groundwater uses from releases of MTBE from underground storage tanks. A new law passed by the State of Maine prohibits the installation of new USTs within 1,000 feet of a public water supply well. This statute may serve as a model ordinance for the city to consider.

11. Aquatic Pesticides General Permit (*Pete Michael*)

On July 19, 2001 the State Water Resources Control Board held a public hearing on the limited-term emergency NPDES permit for application of aquatic pesticides in California, Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Aquatic Pesticides to Surface Waters of the United States (General Permit). The state board adopted the limited-term general permit with modifications. The State Board also considered the concern of San Diego Regional Board members, as expressed in a memorandum from the Executive Officer, that homeowner associations would be considered "public entities" under the general permit (attachment B-11). The regional boards may determine that entities are not eligible for coverage under the general permit. In those cases, individual NPDES permits would be required.

The general NPDES permit was issued in response to a March 12, 2001 decision by a federal appeals court in *Headwaters, Inc. v. Talent Irrigation District*. Until the general permit was adopted in July, Cleanup and Abatement Order 2001-160 signed on May 4, 2001 by the Executive Officer conferred state coverage in the San Diego Region. Although Order 2001-160 was issued under state law, the state board believed that compliance, monitoring, and reporting on the part of a discharger would demonstrate a willingness to protect water quality on federal standards. One public entity in the San Diego Region, the City of Escondido, applied for coverage under the Cleanup and Abatement Order. With the adoption of the limited-term general permit by the state board on July 19, 2001, public entities would receive coverage through January 31, 2004. After that date, a full-term general NPDES permit would apply to public entities.

The attached memorandum requested the State Board consider the San Diego Regional Board's concern that homeowner associations were defined as public entities under the general NPDES permit. At the July 19, 2001 State Board Public Hearing, Water Quality Order No. 2001-12-DWQ, General Permit No. CAG990003 was adopted by the State Board. The adopted general permit defined homeowner associations as public entities. The permit can be downloaded from:

<http://www.swrcb.ca.gov/resdec/wqorders/2001/wqo/wqo2001-12.doc>

On August 2, 2001, staff member Pete Michael gave a presentation on the aquatic pesticide general NPDES permit to the Orange County Storm Water Co-Permittees at their monthly meeting.

12. Tijuana River Trash Discharge from Mexico (*Kristin Schwall*)

At the June 13, 2001 Board meeting, Mr. Cruz Gonzalez from the City of San Diego asked for the Boards' assistance in getting the International Boundary and Water Commission (IBWC) to cleanup and keep debris from entering the Tijuana River Valley channel. The Tijuana River enters the U.S. from Mexico carrying trash and debris in large amounts. When the river crosses the border, it enters a concrete channel maintained by the IBWC. After the concrete channel, the river becomes more natural in the City of San Diego property. The City wants IBWC to acknowledge some responsibility and work with other agencies to keep the trash out of the river. City of San Diego storm water staff issued the attached (B-12) Notice of Violation to the IBWC on June 11, 2001 for the discharge of sewage, trash, sediment, and debris to the Tijuana River. The IBWC responded by attached letter (B-12) dated July 3, 2001 stating that the violation is not one for which IBWC is responsible. IBWC also states that they are maintaining a continuing dialogue with the Mexican government about their observance of their water quality standards in the Tijuana River. Mr. Gonzalez sent the attached letter (B-12) dated July 12, 2001, in follow-up to the June Board meeting identifying a cleanup cost of approximately \$750,000 anticipated in Fall 2001. Regional Board staff is currently evaluating ways to work with the involved parties in resolving this issue.

13. Status of Duke Energy's South Bay Power Plant NPDES Permit Renewal (*John Phillips/Hashim Navrozali*)

The South Bay Power Plan owned and operated by Duke Energy is currently regulated under Order No. 96-05 (NPDES Permit No. CA0001368). The current NPDES permit expires on November 14, 2001. Duke Energy submitted an NPDES permit renewal application on May 4, 2001. Staff has deemed the renewal application complete and is currently drafting tentative waste discharge requirements. The tentative Order will be presented for consideration by the Board at its November 2001 hearing. The tentative Order will be made available for public comment at least 30 days prior to the hearing.

Duke Energy is not proposing any increases in generation output, thermal limits, or discharge volumes. In addition, the renewal application states that all low volume and metal cleaning discharges to San Diego Bay, authorized under the current permit, have been eliminated. These waste streams are currently redirected to the City of Chula Vista's sewer system.

The only significant change to the existing permit will be the incorporation of the California Toxic Rule (CTR) provisions, effluent limits, and monitoring requirements. Pursuant to the State Board's Policy for implementation of the CTR, Duke Energy is required to submit sampling data for 126 priority pollutants contained in its discharge to San Diego Bay. Duke Energy has already submitted sampling data for all priority pollutants except 2,3,7,8-TCDD (dioxin), pesticides, and polychlorinated biphenyls

(PCBs). In accordance with the Policy, staff will be conducting a reasonable potential analysis (RPA) for those priority pollutants for which test data was submitted. Those pollutants identified by the RPA to have the potential to cause excursions above applicable CTR limits will be subject to effluent limits and monitoring requirements.

Duke Energy will be required to provide sampling data for 2,3,7,8-TCDD (dioxin), pesticides, and PCBs by March 2002. Staff will subsequently perform an RPA for these pollutants and implement effluent limits if needed. Pursuant to the State Board's Policy, Duke Energy will be required to demonstrate full compliance with CTR provisions by March 2003.

14. Status of Renewal of NPDES Permit for the City of San Diego - Point Loma Ocean Outfall *(David Hanson)*

The City of San Diego's (City) NPDES Permit Application and 301(h) Application for Modification of Secondary Treatment Requirements for the Point Loma Ocean Outfall was received on April 11, 2001. An additional supplemental volume with the most recent monitoring data available was received in May. Regional Board and USEPA staff have reviewed the application and found it to be essentially complete. Additional details will be requested verbally as needed.

The City's application contained information to comply with USEPA's decision that the Ocean Pollution Reduction Act (OPRA) will still apply to the Point Loma Ocean Outfall during the 2001 to 2006 permit period. However, the City clarified that the application was submitted under protest of USEPA's decision and that they still believe OPRA controls only the initial 5-year period of the City's Section 301(h) waiver, and that it does not apply to subsequent permitting periods. The existing permit expired on November 9, 2000. The City's lawsuit regarding USEPA's application of OPRA has delayed the renewal process.

Since the Regional Board and USEPA will jointly issue this permit, staff has been coordinating with counterparts at USEPA for permit preparation. USEPA will be performing an extensive analysis of ocean monitoring data collected to date and recommending elements of the receiving water monitoring program. Regional Board and USEPA staff have also been tracking development of the Southern California Coastal Water Research Project Authority (SCCWRP) Modeling Ocean Monitoring Program for incorporation into the new permit's monitoring and reporting program.

Regional Board staff has discussed the permit renewal with the City during inspections of the E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant, Metro Biosolids Center, and North City Water Reclamation Plant. Specific discussions have included the method by which the system-wide removal of total suspended solids (TSS) and biochemical oxygen demand (BOD) is calculated. Regional Board staff has also collected comments on the application from Ed Kimura of the San Diego Chapter of the Sierra Club.

Renewal of the permit is currently scheduled for the November 14, 2001 Board Meeting. The permit will be prepared jointly between Regional Board and USEPA staff.

15. America's Cup Harbor Boatyard Sediment Cleanup (*Sherrie Komeilyan*)

Three boatyard facilities within the America's Cup Harbor are the subject of cleanup and abatement orders (CAOs) and addenda thereto issued by the Regional Board. Copper and mercury are the contaminants of concern for these sites listed in CAO Nos. 88-78 (Kettenburg Marine), 88-86 (Mauricio & Sons, Inc.), and 89-31 (Driscoll Custom Boats). Sediments with dry weight concentrations of copper above 530 mg/kg and mercury above 4.8 mg/kg are subject to cleanup, as established in the CAOs and addenda thereto.

The San Diego Unified Port District completed dredging activities at Kettenburg Marine on July 26, 2001. A total of 7,000-7,500 cubic yards of sediments were dredged from the site. Verification sampling has been conducted to insure cleanup of sediments to levels below the criteria specified in the CAOs. To date the last set of verification sample results have been received but not yet reviewed by staff.

The dredged sediments began to be transported to Sycamore Canyon Landfill in Santee, a subsidiary of Allied Waste, on July 27, 2001. The sediment cleanup and dredging at Driscoll Custom Boats will start the week of July 30, 2001. Driscoll Custom Boats intends to follow the dredging procedures and methods as followed at the Kettenburg site.

At the Nielsen Beaumont Boatyard, sampling has been conducted to assess slag material located within the intertidal zone, and the extent of sandblast grit located within the active marine rail line. Regional Board staff have not received this data to date. Nielsen Beaumont is currently preparing the site for dredging activities by temporarily removing the marine rail system at their site.

Contaminated dredged sediments from the three sites will be taken to the Sycamore Canyon Landfill.

Attachment B-15 is an article published in the San Diego Union Tribune on July 29, 2001, regarding the sediment cleanup in America's Cup Harbor.

16. Status of Landfills:

a. Gregory Canyon Landfill (*Carol Tamaki and John Odermatt*)

Pursuant to the California Code of Regulations (CCR), Title 27, Section 21585 and 21710, the information provided to the Regional Board in an application for waste discharge requirements (WDRs) must now be provided in a Joint Technical Document (JTD) format. After July 18, 1997, the JTD is functionally equivalent to a Report of Waste Discharge (ROWD) required for any application for WDRs issued under authority of the Water Code Section 13260.

On July 12, 2001, the Regional Board received a revised JTD and a letter response to written comments from the Regional Board (staff letter dated February 9, 2001) regarding

the previous JTD (dated January 11, 2001). The previous JTD proposed an engineered alternative design that included a waste management unit (WMU) extending approximately 150 feet below the ambient water table. The Regional Board staff rejected the previous JTD for a variety of technical and regulatory reasons (see Executive Officer Report dated February 21, 2001). The recently revised JTD (received July 12, 2001) proposes a re-designed waste management unit according to the prescriptive requirements contained in CCR Title 27. However, significant portions of the JTD (e.g., geotechnical investigation, hydrological study, and settlement analysis) contain the analyses, results, conclusions and recommendations using the design of a previously proposed-engineered alternative. The Regional Board staff has reviewed the revised JTD and found it to be unacceptable, primarily because the analyses identified above were not revised to evaluate the most recently proposed design of the WMU. The Regional Board staff anticipates that our written comments will be sent to the discharger before the 30-day review period expires on August 12, 2001.

The County of San Diego is in the process of completing the CEQA process for certification of the Environmental Impact Report (EIR). Previously, the County of San Diego Local Enforcement Agency (LEA) staff has indicated target dates of March and April for completion of the CEQA process. The County LEA staff has more recently indicated they do not have a revised target completion date for certification of the CEQA documents. The staff will continue update the Regional Board in future Executive Officer Reports.

b. Anza Sanitary Landfill *(Amy Fortin and John Odermatt)*

The Anza Sanitary Landfill is a 50-acre facility located at 40329 Terwilliger Road in the City of Anza. The unit has an estimated capacity of 400,000 cubic yards with landfill operations occurring from 1955 until May 1999. After May 1999, the waste management unit stopped receiving waste and became an inactive facility. On July 6, 2001, the Regional Board received a report entitled "*Anza Sanitary Landfill: Final Closure and Post-Closure Maintenance Plan.*" The County of Riverside (the "discharger") proposed to initiate formal closure of the landfill during the spring of 2002. Current state regulations, Title 27 (Sections 21585 and 21710), require dischargers to provide a Joint Technical Document (JTD) to the Regional Board. The JTD must contain all supporting technical information regarding the closure and post-closure maintenance plans for the landfill. The Regional Board staff will use the information provided in the final JTD to develop waste discharge requirements (WDRs) for closure of the Anza Sanitary Landfill and consideration by the Regional Board members. The Regional Board staff has reviewed the JTD and sent written comments, in a letter dated August 3, 2001, to the County identifying a number of significant deficiencies. The letter requests the County of Riverside review the current regulatory requirements and re-submit a revised JTD for review by the Regional Board staff.

c. Forster Canyon Landfill *(Amy Fortin and John Odermatt)*

The Forster Canyon Landfill is a 148-acre facility located near the City of San Juan Capistrano in southern Orange County. The County of Orange estimates approximately

2.5 to 3 million cubic yards of municipal solid waste were discharged at the landfill during its operating life from 1958 until 1976. Waste constituents, including inorganic and organic pollutants, have been detected in groundwater at or above water quality objectives established in the Basin Plan. In addition, vapor samples collected from one well (MW-A) reportedly contain elevated concentrations of volatile waste constituents (organic) and a very high concentration of methane gas. The Regional Board issued waste discharge requirements (WDRs) to the former operator (County of Orange) and the current property owner (San Juan Meadows, L.P.) in Order 94-106 and amendments thereto. On June 7, 2001, the Regional Board staff sent a letter to the dischargers requesting them to provide a proposed schedule for submitting the following technical reports/information:

- **Modification /Update to Existing Environmental Monitoring Network and Reporting Frequency.** The dischargers shall prepare a technical report including an evaluation of the adequacy of the existing groundwater monitoring network, including conclusions and recommendations regarding additional wells that may be required to complete delineation of groundwater pollutants.
- **Proposed List of Environmental Monitoring Parameters/Waste Constituents.** The dischargers shall propose a list of monitoring parameters for each medium (groundwater, surface water, and the unsaturated zone) to be monitored. The list for each medium shall include all hazardous constituents that have been detected in that medium and those physical parameters, waste constituents, and reaction products (including methane) that provide a reliable indication of changes in water quality resulting from any release from the waste management unit to that medium.
- **Amended Report of Waste Discharge (ROWD).** Including a feasibility study (FS) report with an assessment of the technical and economic feasibility of implementation for no less than 4 separate remedial alternatives. The FS report shall clearly identify the dischargers' preferred remedial alternative. A detailed description of the proposed remedial alternative(s) that will be taken to achieve compliance with the proposed water quality standards.

The letter also established a semi-annual schedule for monitoring and reporting of results to the Regional Board. By August 17, 2001, the dischargers are required to submit their proposed schedule for submission of the required technical reports to the Regional Board. On July 23, 2001, Regional Board staff met with environmental consultants to the County of Orange to discuss their proposed schedule. At this time, the Regional Board staff anticipates the dischargers will comply with the August 17, 2001 deadline.

17. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

Staff is working closely with the County of San Diego and the City of San Diego during the municipalities' development of documents related to the San Diego Municipal Storm Water Permit (Permit). The County of San Diego has developed a draft set of interim guidelines for the implementation of the Permit's Standard Urban Storm Water

Mitigation Plan (SUSMP) requirements. The purpose of this document is to provide interim guidance to the development community for the gradual implementation of SUSMPs. While the document is not required by the Permit, it will help the development community prepare for the enactment of the SUSMP requirements. Staff reviewed and commented on the draft document on July 30, 2001.

The City of San Diego's draft Model SUSMP document, which is the primary document under which the Copermittees will implement the SUSMP requirements, has also been reviewed by staff several times during its continual development. The purpose of this review by staff is to help ensure that the document will meet the Regional Board's expectations, thereby easing adoption of the document following its submittal to the Regional Board in February of 2002.

Staff continues to participate in the Copermittees' municipal storm water permit workgroups. These workgroups address the Copermittees' development of particular components of their urban runoff management programs, such as for monitoring, planning, and construction, as well as for industrial, commercial, and residential land uses. In particular, staff has recently participated closely in the Copermittees' monitoring workgroup, helping with the development of the Copermittees' monitoring program.

In late August 2001, each Copermittee is required to provide the Regional Board with a signed certification that they have adequate legal authority (in the form of police powers and adopted local ordinances) to implement the permit. Documents regarding the Copermittees' monitoring program will also be due. Staff will provide an update on the Copermittees' submittals in the September Executive Officer Report.

18. Caulerpa taxifolia Response Activities (*Lesley Dobalian*)

Eradication Update

Caulerpa taxifolia eradication efforts continue in Agua Hedionda Lagoon and Huntington Harbor. Occasional, small patches continue to be discovered in the Lagoon. These patches are covered and treated as soon as they are identified. Survey efforts continue in both areas, and have been intensified in the Lagoon.

Surveillance

Surveys for *C. taxifolia* infestations elsewhere in southern California have been initiated. *C. taxifolia* has not been found in any of the areas surveyed (including Oceanside Harbor and portions of Mission Bay) through July 25, 2001.

State Legislation

Assembly Bill 1334 (Harman), which would ban the sale, possession and transport of *C. taxifolia* throughout California is still pending. The Bill would also ban species of *Caulerpa* that look similar to *C. taxifolia* and are believed to have the capability to become invasive. The Bill passed the Assembly floor, and will be read for a third time in the Senate.

City Ordinance

On July 23, 2001, the City of San Diego voted to pass an ordinance to ban the sale, possession, and improper disposal of the genus of *Caulerpa* within city limits. The ordinance should take effect thirty days from the vote.

Funding

Staff drafted a research proposal to develop *C. taxifolia* eradication methods for infestations in open coastal environments. The Executive Officer requested up to \$600,000 of Clean Water Act Section 319(h) (Nonpoint Source Program) funds from SWRCB. The request will be considered at the SWRCB's September 5 and 6 workshop, and may be acted upon at the September 20 Board meeting.

Outreach

The Outreach Committee will be holding a public workshop on August 28, 2001 in Orange County to encourage more volunteer outreach, detection, and surveillance efforts. Staff is co-chair of the committee, and members include staff from the SARWQCB, LARWQCB and the SWRCB.

Southern California Caulerpa Action Team (SCCAT)

Staff continue to participate in and chair the SCCAT meeting. Staff also serve on the Planning, Technical Advisory, and Outreach Committees.

Caulerpa Workshop

The U.S. Fish and Wildlife Service and the Aquatic Species Task Force *Caulerpa taxifolia* Prevention Committee held a workshop on *C. taxifolia* in San Diego on July 10 and 11. Staff participated in the workshop, and made a presentation on the coordinated eradication and control efforts in southern California.

19. State Route 241 Toll Road Complaint Investigation (Christopher Means)

A citizen complaint was made during public comment at the July 18, 2001 Board meeting regarding erosion occurring along the Foothill Toll Road (SR-241) in Orange County. The complaint alleged that gully erosion was occurring beneath bridge structures along the toll road due to poorly designed bridge drains. In response to this complaint, staff met with Caltrans District 12 and inspected the portion of SR-241 within the jurisdiction of the San Diego Regional Board. Staff observed gully erosion under bridges crossing Tierjas Creek, Trabuco Creek, and Aliso Creek. Drainage for the bridges is facilitated by inlets on the surface of the bridge that pipe the runoff straight through the bridge, and discharge immediately under the structure. The discharge caused erosion gullies approximately one to ten feet in depth directly under the bridge.

The Foothill Toll Road (SR-241) was the first toll road constructed in Orange County by Trans Corridor Agencies (TCA), and opened in October 1993. Unlike SR-73, a runoff management plan was not prepared for the portion of SR-241 that lies within the Region 9 jurisdiction. It was erroneously reported to staff that a system of grassy swales had been constructed to mitigate water quality concerns along the Foothill Toll Road. The

grassy swales were actually constructed as part of the Runoff Management Plan for the Eastern Toll Road, which lies within the jurisdiction of the Santa Ana Regional Board. The Foothill Toll Road portion of SR-241 was constructed as most other highways in the state were in the early nineties, with a system in place to remove runoff from the road surface without any special treatment structures.

Caltrans representatives stated that they had been aware of the erosion problems associated with the bridges, and that their engineers are looking into the feasibility of redirecting the flow to prevent further erosion. TCA is planning an improvement project in the next fiscal year to widen the northbound span of the bridge over Trabuco Creek, and will work with Caltrans to address erosion concerns for that segment of SR-241.

Staff is in the process of preparing a request for a technical report to determine what steps Caltrans will be taking to address these erosion problems in the future. Staff will continue to update the Board Members as this investigation proceeds.

20. Replacement Pier and Dredging at Naval Station Project (*Dat Quach*)

On May 21, 2001, the US Navy submitted an application for water quality certification and waste discharge requirements to dredge approximately 764,000 cubic yards of sediment to construct a new pier at Naval Station in San Diego Bay. The new pier will provide a berthing and maintenance facility for ships currently homeported in the San Diego region. The Navy continues to refuse to pay the filing fee required by the application.

Regional Board will be required to be the lead agency to comply with CEQA. Staff is reviewing the Final Environmental Impact Statements (FEIS) prepared by the Navy. If the FEIS satisfies all the CEQA requirements, the Regional Board will use it in place of the EIR.

Staff is also reviewing the application and if it is complete, staff will prepare the tentative waste discharge requirements and water quality certification for this project and present them to the Regional Board for adoption.

The final step of the project is the Regional Board public hearing. At this hearing the Regional Board will:

- Determine that the FEIS satisfy all the CEQA requirements and use it in place of the EIR;
- Consider to adopt the tentative WDR for dredging and disposal; and
- Consider to certify or waive the State Water Quality Certification.

21. Concurrent Projects to Remediate Contaminated Sediment in San Diego Bay (*Tom Alo*)

There are three projects currently underway to address contaminated sediment sites in San Diego Bay. These projects are (1) remediate sediment at NASSCO and Southwest Marine shipyards; (2) remediate two of five designated Toxic Hot Spots, specifically mouth of Chollas Creek and mouth of Seven Street Channel; and (3) develop Total Maximum Daily Loads (TMDLs) for two of five Toxic Hot Spots, specifically mouth of Chollas Creek and mouth of Seven Street Channel.

At each of the sites involved, elevated concentrations of pollutants have been measured in bay sediments, and/or sediment toxicity has been measured, and/or benthic communities have been found to be degraded. Consistency amongst these projects is highly desirable. Furthermore there are numerous additional contaminated sediment projects in San Diego Bay that will be conducted in the future. These projects include three more designated Toxic Hot Spots, six more sites needing TMDL development, several DoD sites, and a small number of bayfront private industries. Consistent treatment of these projects/sites throughout San Diego Bay is important to (1) ensure equitable treatment of all responsible parties, (2) establish consistent cleanup levels baywide, (3) share resources where possible, and (4) obtain comparable data (this will allow development of a baywide database). If a consistent baywide approach is taken, it may be possible to consider development of baywide cleanup levels at some point in the future. The "Shipyard Guidelines" described below will help to establish baywide consistency.

"Shipyard Guidelines"

On February 21, 2001, the Regional Board adopted Resolution Nos. 2001-02 and 2001-03 directing the Executive Officer to issue Water Code Section 13267 letters to NASSCO and Southwest Marine shipyards requiring the submission of a site-specific study to develop sediment cleanup levels and identify sediment cleanup alternatives. On June 1, 2001, the Executive Officer issued the Water Code Section 13267 letters to NASSCO and Southwest Marine. As part of the section 13267 letters, staff developed guidelines entitled "*Guidelines for Assessment and Remediation of Contaminated Sediment in San Diego Bay at NASSCO and Southwest Marine Shipyards*" dated June 1, 2001.

The purpose of the guidelines is to specify the minimum types of information and methodologies required to assess and remediate the contaminated sediments at the shipyards. While these guidelines specifically address the contaminated sediments at NASSCO and Southwest Marine, they contain basic scientifically accepted principals and general expectations that are applicable to any sediment remediation project in San Diego Bay. As such, the guidelines will serve as the starting point for future cleanup projects in the Bay, specifying the minimum requirements regarding information and methodologies. These minimum requirements will of course be supplemented with appropriate site-specific considerations and requirements.

Toxic Hot Spots

There are five designated Toxic Hot Spots in San Diego Bay. These locations were designated as Toxic Hot Spots due to the presence of elevated chemical concentrations, sediment toxicity, and degraded benthic communities. Toxic Hot Spots require cleanup. There is currently an effort underway by the Navy to investigate and remediate two of the

five Toxic Hot Spots, namely, the mouth of Chollas Creek and the Mouth of Seventh Street Channel.

Development of TMDLs

In 1998, the Regional Board added the five San Diego Bay Toxic Hot Spots to the Clean Water Act Section 303(d) list of impaired water bodies (i.e., water bodies not meeting water quality standards). The Regional Board is required to develop Total Daily Maximum Loads (TMDLs) for Section 303(d) water bodies. A TMDL is a plan of action designed to meet water quality standards and restore beneficial uses. Staff has begun the development of TMDLs for two of the Toxic Hot Spots, namely the mouth of Chollas Creek and the Mouth of Seventh Street Channel.

22. Public Workshop on Sediment Remediation Projects in San Diego Bay *(Tom Alo)*

On August 3, 2001 staff conducted a public workshop on current sediment investigation and cleanup projects in San Diego Bay. The workshop focused on the following three projects: (1) remediate sediment at NASSCO and Southwest Marine shipyards; (2) remediate two of five designated Toxic Hot Spots, specifically mouth of Chollas Creek and mouth of Seven Street Channel; and (3) develop Total Maximum Daily Loads (TMDLs) for two of five Toxic Hot Spots, specifically mouth of Chollas Creek and mouth of Seven Street Channel.

The purpose of the workshop was two fold: (1) provide information to the public on the three projects, and (2) receive and consider comments from the public on these projects. Chairman John Minan and approximately 75 members of the public attended the workshop.

Staff, the U.S. Navy, Southern California Coastal Water Research Project (SCWWRP), and Exponent (consultant for NASSCO and Southwest Marine Shipyards) provided an update on the sediment quality studies in San Diego Bay. Specifically:

- Staff described the importance of bay-wide consistency amongst cleanup projects in San Diego Bay and discussed the link between the toxic hot spots and the TMDL program.
- Staff presented the Regional Board's "Shipyard Guidelines". The presentation included the purpose of the guidelines, previous requirements and decisions made by the Regional Board that led to the development of the guidelines, the beneficial uses needing protection from contaminated sediments at NASSCO and Southwest Marine, and the main elements of the guidelines. (The "Shipyard Guidelines" are described above in preceding report.)
- Exponent presented the NASSCO and Southwest Marine workplan developed pursuant to the Regional Board's guidelines.

- Staff presented the current status of TMDL development for two designated Toxic Hot Spots, the mouth of Chollas Creek and mouth of Seventh Street Channel. Staff described the TMDL process and purpose.
- The Navy and SCCWRP presented its sampling and analysis plan (SAP) for the sediment remediation effort at the two Toxic Hot Spots, the mouth of Chollas Creek and the mouth of Seventh Street Channel. The SAP was developed in accordance with the Regional Board's "Shipyard Guidelines".
- SCCWRP provided an update on the Bight '98 toxicity results for San Diego Bay. Comparisons were made to the toxicity results from the 1996 Bay Protection and Toxic Cleanup Program.

Attachment B-22 is the agenda for the workshop as well as one of the workshop handouts entitled "Contaminated Sediment Sites in San Diego Bay". The presentation slides and full set of workshop handouts will be posted on the Regional Board's website.

23. Coliform Impairment to Mouth of San Diego River and Dog Beach to be Addressed by City of San Diego (Mike Porter)

The Southern Watershed Protection Unit (SWPU) has required the City of San Diego (City) to investigate the sources of Coliform impairment to the Mouth of the San Diego River. The Mouth of the San Diego River (Dog Beach) is currently listed as impaired on the Clean Water Act Section 303(d) list for high coliform levels. The suspected sources of the impairment are dogs, the Municipal Separate Stormwater Sewer System and frequent overflows from the Sanitary Sewer Collection System. Typically, 303(d) list impairments are addressed through the Total Maximum Daily Load approach. However, due to recent hires and the desire to save budget monies, this listed impairment will be handled through the SWPU utilizing the California Water Code Sections 13267, 13225 and 13383 (investigations, monitoring and reporting). The City has seven months to investigate, monitor and report back the Regional Board on the sources of this impairment. This directive to the City was issued on August 8, 2001 (attachment B-23).

24. Aliso Creek Directive Issued Pursuant to Water Code Section 13225 (Jeremy Haas)

On July 31, the Orange County copermittees submitted the First Quarterly Report for the Aliso Creek 13225 Directive for an investigation of urban runoff in the Aliso Creek watershed. The Regional Board directive requires the copermittees to conduct weekly monitoring at large storm drains for total and fecal coliform, enterococcus, flow, and total chlorine. In addition, the permittees offered to collect data in the receiving waters upstream and downstream of each outfall.

Response to Monitoring Data: The copermittees propose a series of next steps. Most are ongoing and planned activities previously reported in the 2000 NPDES annual report of waste discharge and proposed revised Drainage Area Management Program. In response to the new data from this directive, the copermittees suggest that a recreational use survey be conducted over the next quarter in order to prioritize drainage areas for source

identification and elimination activities. Then each copermittee will select at least one storm drain for intensive investigation and improvement based on a combination of recreational use and the monitoring data. In addition, to address discharges from one of the storm drains monitored under the directive, the Orange County Board of Supervisors passed a resolution on July 24 authorizing a \$75,000, 90-day pilot treatment project using a portable system.

Regional Board Staff Response: Staff have determined that the proposed actions are not sufficient to address the Regional Board's requirements to identify and eliminate sources of pollution. Staff will send a response to the copermittees that asks the following questions: Why are the copermittees not surveying all watersheds that are not meeting REC 2 objectives? Why did the copermittees not propose a schedule for identifying sources of pollution in all watersheds that are not meeting REC 2 water quality objectives? Why are the copermittees not proposing to identify the reasons that one storm drain (JO1P21) is meeting REC 2 standards in order to potentially identify successful management practices?

Outfall Data: Samples were collected for two 5-week periods (10 weeks total) from 33 storm drain outfalls. REC 1 criteria (200/100 ml) was met in only one storm drain during one of the two 5-week periods. REC 2 criteria (2,000/100 ml) was met in 6 storm drains during the first 5-week period, and in only one storm drain during the second 5-week period. Fecal coliform concentrations at each storm drain were generally variable throughout the 10-week period, but there were 21 storm drains in which fecal coliform levels were greater 4000 MPN/100 ml 50% of the time and in 5 of those storm drains fecal coliform levels were greater than 4000 MPN/100ml 90% of the time. Geometric means for the period of fecal coliform within the storm drains ranged from 199 MPN/100ml to 24,279 MPN/100ml.

Receiving Waters Data: In the receiving waters REC 1 criteria was met at one site during one 5-week period. Twenty-nine upstream sites were sampled, and the REC 2 criteria was met at 13 and 18 sites in the first and second 5-week periods respectively, for a total of 53% (31 of 58) of the time. Thirty downstream receiving waters sites were sampled, and the REC 2 criteria was met at 10 and 12 sites in the first and second 5-week periods respectively, for a total of 37% (22 of 60) of the time.

REC 2 Summary

Monitoring Location	Weeks 1-5 REC 2 met	Weeks 6-10 REC 2 met	Total REC 2 met
Storm drains	6 of 33 (18%)	1 of 33 (3%)	7 of 66 (11%)
Upstream	13 of 29 (45%)	18 of 29 (62%)	31 of 58 (53%)
Downstream	10 of 30 (33%)	12 of 30 (40%)	22 of 60 (37%)

Lower Aliso Data: Data from AWMA sites in lower Aliso creek were included in the report. One site just upstream from the mouth (near the proposed diversion site) met REC 2 criteria during both of the 5-week periods. Two sites within Aliso/Woods Canyon Wilderness Park met the average fecal coliform concentration objective, but failed to meet the REC 2 objective during the first 5-week period because of a single high concentration on one date at both sites.

Correlation Between Storm Drains and Receiving Waters: The report determines that for the creek as a whole, there is a significant correlation between the storm drains and Creek in the fecal coliform and enterococcus concentrations, but that the impacts of each storm drain depend on local ambient conditions. Analyses in the Report show that levels of coliform and enterococcus (indicators) in storm drain discharges do not correlate with upstream-to-downstream changes in receiving water quality. Potential factors affecting the impact of the outfalls include condition of pollution already in the creek and creek flow. One analyses suggests that the individual impact is greater in the upper watershed where Aliso Creek flow is smaller. Another analysis shows that in the lower-mid reach a cluster of storm drains with some of the highest coliform levels may have impacted the Creek's ability to attenuate fecal coliform levels below the REC 2 objective.

PART C**STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION****1. Cal/EPA Provides Multi-Media Guidance** (*John Robertus*)

Cal/EPA Secretary Winston Hickox has issued a Directive to all Boards, Departments and Offices of the Cal/EPA pertaining to the integration and cooperation of all regulatory efforts. A copy of this July 31 memorandum is provided as attachment C-1.

2. Governor's Budget (*DiAnne Broussard*)

Governor Gray Davis signed the FY 2001-2002 budget on Thursday, July 26, 2001. There was no mention of general salary increases in the budget. CALEPA fared well in this year's budget below are highlights for the State Water Resources

The Budget proposes a one-time General Fund augmentation of \$100 million to implement an initiative to clean up Southern California beaches and restore recreational and other uses of our coastal resources. Of this amount, \$70 million will fund local

projects that will be targeted to reduce the number of closure days at the most severely affected beaches by 50 percent, \$20 million will be used to identify sources of pollution, and \$10 million will be used for related wetlands restorations. These moneys will complement a commitment of local funds for operations and maintenance costs.

The Budget includes an augmentation of \$8.1 million to identify dischargers subject to storm water regulations who have not filed the required permit, inspect more storm water dischargers on a regular basis, and respond to complaints in a timely and effective manner.

The Budget also contains \$9.6 million to permanently establish resources provided on a limited-term basis in 1999-00 and 2000-01 to augment the Water Board's core regulatory programs.

The Budget proposes an augmentation of \$206 million bond funds to continue implementation of programs authorized by the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000. This amount includes the Southern California Integrated Watershed program (\$87.9 million), Coastal Nonpoint Source Pollution Control (\$30 million), and Nonpoint Source Pollution Control (\$27 million) programs.

The Budget also includes an augmentation of nearly \$3 million for research and monitoring of the specific sources of nutrients and sediment and to identify methods to remove them from the Lake Tahoe basin.

The Budget includes \$3.2 million to continue development under Phase II of the System for Water Information Management (SWIM) project to meet the growing demand for comprehensive water quality management information and provide convenient public access to this information.

For more complete information on Governor Davis's budget go to the following link:
http://www.dof.ca.gov/HTML/BUD_DOCS/Bud_link.htm

To review Region 9's budget go to the following link:
<http://central.swrcb.ca.gov/mainstrm/html/byfiscal.htm>

3. Effluent Dependent/Effluent Dominated Water Bodies (*Art Coe*)

Discharges of treated wastewater to the Region's watercourses have been a significant issue for the Regional Board. Our rivers and streams have relatively low flows during non-flood situations. As a result, the wastewater makes up most (sometimes all) of the volume of water in the water body. State Board staff is conducting two public workshops to seek comments regarding whether the State Board should develop a State policy for water quality control to address issues in effluent dependent/effluent dominated water bodies. Public workshops were held on February 28, 2001 in Los Angeles and March 14, 2001 in Sacramento. Oral and written comments were received from numerous parties.

By August 28, 2001, State Board staff plans to publish a summary of all comments received and a schedule for evaluating alternative policy approaches.

On May 11, 2001, the State Board notified the City of Vacaville and others a hearing would be held on the City's petition to review its NPDES permit. The permit, issued by Region 5, authorizes the discharge of secondary-treated effluent from the City's Easterly Wastewater Treatment Plant to Old Alamo Creek, an ephemeral, effluent-dominated stream. The hearing, currently targeted for September 11-13, 2001, will provide a forum for the regulated community and others to address the application of the California Toxics Rule and Statewide Implementation Policy to discharges to effluent dependent or dominated water bodies.

4. Clean Beaches Initiative (Art Coe)

The Clean Beaches Initiative is the Governor's plan for reducing pathogen contamination at California's beaches. The Legislature approved \$35 Million from Coastal Non Point Source Proposition 13 funds for 40 Clean Beaches Projects (Projects) towards implementation of the Clean Beaches Initiative. The Projects include dry weather diversions, in-place treatment, source identification and abatement projects, sewer and septic upgrades. The Projects, if approved in the Governor's budget, will be expedited to allow construction and project studies to be completed by fall of 2002.

The proposed budget also includes \$3M for research projects to develop a rapid, inexpensive indicator test for bacteria and additional source identification tools. If approved the SWRCB will begin to identify possible contractors by the end of 2001.

The State Water Resources Control Board is developing the Clean Beaches Initiative Implementation Plan (Plan) that identifies actions for implementation by the State Board and the regional boards to reduce pathogen contamination. These actions will address storm water, sewage collection systems, monitoring, and loans and grants. The Plan will include timelines and milestones for tracking. Progress is to be measured by improvements in beach water quality. The Plan is currently being internally reviewed at the State Board and a draft is scheduled for release by the end of August.

At this time we do not know how the Clean Beaches Initiative fared in the budget signed by the Governor.

5. Status of AB 729 (Art Coe)

On February 22, 2001, Assembly Member Kehoe introduced AB 729 (the bill was co-authored by Senator Alpert). The bill, sponsored by the U.S. Navy, was originally intended to appropriate state funds to pay discharge permit fees for military projects throughout California. After five amendments the bill (as of July 17, 2001) has shrunk to approximately one-half page in length. It would now require transfers of state General Fund moneys to the State Board to cover the discharge permit fees for a single U.S. Navy project in the San Diego Region (the Replacement Pier and Dredging Project at the United States Naval Station, San Diego – Part B, Item 20 of this report). None of the

versions of the bill have addressed a matter of significant importance in the San Diego Region: the costs to the Regional Board to insure CEQA compliance for projects undertaken by federal agencies.

After the latest amendments AB 729 was re-referred to the Senate Committee on Appropriations. It has a hearing date of August 20, 2001, before that Committee.